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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,431	11/04/2003	Sanjeev Gupta		5648

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Mark Terry
227 Michigan Av. #204
Miami Beach, FL 33139

EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2191

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,431	Applicant(s) GUPTA ET AL.	
	Examiner Ted T. Vo	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 04/05/2007.

Claims 1-20 are pending in the application.

Specification

2. The "original specification" provided to the office with a disarrangement of the page 8 and page 9. Since, the application is placed in the electronics, Applicants should be aware of this disarrangement.

The amendment to subject matters in the specification should be only for correction typographical errors or correction the specification arrangement element pursuant to 37 CFR 1.77(b). The amendment that changes the meanings is considered as adding new subject matters. It requires canceling the amendments to the specification and restoring it as in the original manner.

Applicants have added:

New subject matters in [0018]; only "project" plans are approvable.

New subject matters in [0019]; only "project" plans is approvable.

New subject matters in [0020] – further note: A service is a computer system, but the computer new subject matters in [0021]; only memory storage device is approvable.

It requires canceling newly added subject matters.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2191

4. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

The Claims 1-20 are claimed based on the newly added subject matters that were not in the original support specification.

Claims 1-20 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1-20: Claims are based on newly added limitations that are not supported by the original disclosure. It is unclear what subject matters, in which the Applicants regard as the invention.

Since the newly added limitations in the Claims 1-20, for example, limitations are marked, these amended claims fail to be sufficient antecedent basis in the specification.

Note: many typo errors present in the amended claims.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2191

8. The claims 1-20 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-20 are rejected under 101 because the claims are not supported by either a specific asserted utility or a well established utility. The Claims are merely based on newly added subject matters.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Solution Framework, "MSF Project Management Discipline", v. 1.1, <http://www.microsoft.com/msf/>, p. 1-31, 6-2002 (hereinafter: MSF).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: MSF discloses,

A method on a computer for providing critical chain-based project management across a plurality of projects, comprising:

generating a plurality of project plans having a critical chain (p. 30: "critical path" of a project), **each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task**

(See p. 23, Figure 6: *plurality of plans*; see p. 21 Project Plans/table; left table: *projects*, right table: *task*);

generating buffers for each of the plurality of projects, wherein at least one of the buffers

generated is placed on the critical chain (see p. 29, Managing Buffer time, adding buffer time to project schedules, see p. 30: "buffer time" and "lie on the project's critical path");

Art Unit: 2191

reconciling project resources among the plurality of projects so as to accommodate the critical chain (See p. 21/tables; implement under Figure 6 of p. 23; and see p. 29-30: Managing Buffer Time);

executing the plurality of project plans
(See table in p. 8 shows managing/planning/estimating/scheduling. See p. 22, second line from the last, 'Detailed descriptions of how the tasks are to be performed' (Examiner Note: the term "task" by definition is a function to be performed. Therefore an act upon the task in the reference reads "*executing*", because this reference performs every act on each of its given tasks));

continuously providing status information about the buffers to a user (see in p. 6, second paragraph, this claimed limitation is read in this paragraph, as done by the team of peers, members, when they, and customer need the information on the project' status), **and allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers.**

(see description for each planning in the table of p. 8; e.g., in the schedule management, it includes management of timing, where in p. 29, the Managing Buffer Time already discussed allowing a user, team, member, customers, peer to add time to project schedules).

As per Claim 2: MSF discloses, *The method of claim 2.*

The method of claim 1, wherein the step of continuously providing further comprises: continuously providing status information about the buffers to a user via a network interface.

See p. 6, the team, members, customers, are connected via Network as peers. See p. 6, 'single source of information on project status'; see p. 17, 'routine tracking of status, cost, and scheduled'; see p. 28, PERT, and see p. 29, Managing Buffer Time.

As per Claim 3: MSF discloses, *The method of claim 3.*

The method of claim 2, further comprising: continuously modifying (typo: need revised) task prioritization for any task of the plurality of projects based on the status information about the buffers, wherein task prioritization is calculated across the plurality of projects.

See p. 29, Time-Boxing.

As per Claim 4: MSF discloses *The method of claim 4.*

The method of claim 3, further comprising: providing to the user, over a network interface, the task prioritization that was modified based on the status information about the buffers.

See combinations of teams, members, customer, in the peers: They can access the status of information about the buffers. They have management tools; their tools are provided with prioritization
Note the above limitation requires a user act upon, the MSF is a framework, that allows the user to manage his project plan, provided by the MSF with using buffer time, and schedule, disciplines, time-boxing, via common interface of Internet using URL links or within Microsoft Network (see p. 4 Overview of Frameworks, or Figures 2, 3, 4).

Art Unit: 2191

As per Claim 5: The limitation of Claim 5 has the claimed functionality corresponding to the limitation of Claim 1. See rationale addressed in the rejection of claim 1 above.

As per Claims 6-8: The limitations in Claims 6-8 have the claimed functionality corresponding to the limitations of Claims 2-4. See rationale addressed in the rejection of claims 2-4 above.

As per Claim 9: See rationale addressed in the rejection of claim 1 above.

As per Claims 10-12: See rationale addressed in the rejection of claims 2-4 above.

As per Claim 13: See rationale addressed in the rejection of claim 1 above.

As per Claims 14-16: See rationale addressed in the rejection of claims 2-4 above.

As per Claim 17: See rationale addressed in the rejection of claim 1 above.

As per Claims 18-20: See rationale addressed in the rejection of claims 2-4 above.

Response to Arguments

11. Applicants' arguments to the newly added limitations have been considered, but the amendment is adding newly subject matters. It requires canceling and restoring the specification as its original disclosure. And because the amendment necessitated new ground(s) of rejections, the Applicants' arguments are moot in view of the new ground of rejection presenting in this office action.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action

Art Unit: 2191

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

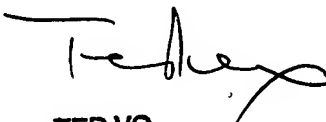
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
June 22, 2007


TED VO
PRIMARY EXAMINER